

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION**

IN RE: )  
JAMES LELAND WALTERS JR ) CASE NO.23-70093–AKM-13  
HEATHER L WALTERS )  
DEBTOR(S) )

**TRUSTEE’S OBJECTION TO COURT CLAIM #019**

Comes now Robert P. Musgrave, Trustee, and having reviewed the claim and other relevant pleadings and documents in this cause does now OBJECT pursuant to FRBP 3007(a) to the claim of Deaconess Hospital c/o Med-1 Solutions (“Creditor”), Trustee Claim #003/Court Claim #019 (“Proof”), for the following reason:

1. The claim of Creditor was listed in the proposed plan and the confirmation order to be treated as secured based on a judgment lien, to be paid in full by the Trustee at \$100.00 per month @ 8.0% APR.
2. Creditor failed to file a proof of claim prior to the claims bar date of April 20, 2023. Debtor counsel filed a proof of claim on behalf of Creditor on May 2, 2023, which was timely under BR 3007 (d)(4).
3. On May 26, 2023, Trustee disbursed check no. 529560 to Creditor on the Proof in the amount of \$139.50. On August 30, 2023, Creditor returned Trustee disbursement check no. 529560, noting that they were no longer servicing the account reflected in the Proof. Creditor further noted that the claim had been returned to the original creditor, Deaconess Hospital.
4. As the Creditor listed on the Proof will not accept the funds and the actual creditor has not filed a proof nor otherwise attempted to collect on the underlying claim, the present claim should be disallowed.

**WHEREFORE**, the Trustee prays the Court disallow the claim in its entirety, and for all other relief deemed appropriate in the premises.

**Notice**

You are hereby notified that you have thirty (30) days from the date below to file a response to the Trustee’s Objection to Claim above. In accordance with Local Rule S.D. Ind. B 9013-1, such response should be in writing and filed with the office of the clerk at Winfield K. Denton

Federal Building, 101 NW ML King Jr. Blvd, Suite 352, Evansville, IN 47708, with a copy to the Trustee at the address below. If no response is timely filed, then the Court may enter an order sustaining the objection to claim(s) without further notice.

Respectfully Submitted,

January 23, 2024

/s/Robert P. Musgrave

Robert P. Musgrave

Chapter 13 Trustee

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing pleading was served upon the following parties, either personally, electronically or by first-class mail January 23, 2024:

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